IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 431 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KAUSHIKBHAI KHUSHALBHAI PATEL - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
MR MURALI N DEVNANI for Applicant(s) : 1,
MS MANISHA L SHAH, APP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 01/07/2006

ORAL JUDGMENT

1. Rule. Ms. Manisha Shah, Ld. Addl. Public Prosecutor waives the service of Rule on behalf of State.

2. The applicant has approached this Court to challenge order of the Ld. Addl. Sessions Judge, Fast Track Court, Anand, dated 19/6/2006; thereby the Ld. Judge has relaxed the condition imposed upon the applicant only to the extent of release of passport, but has rejected his prayer for permitting him to go abroad. The applicant states that in order to get the permit renewed under the immigration law, he is required to go U.S.A.

2.1. I have heard Mr. Devnani, learned advocate for the applicant and Ms. Manisha Shah, Ld. APP for the opponent – State. The I O is present. I have perused the application as also the order of the Court below.

3. It appears that on previous occasions the applicant was permitted to go abroad and he has returned in time. He has his immovable properties here at Vasad and he is having his transport business. He further states that he intends to stay in U.S.A., for not more than two months. Therefore, he has sought prayer for lifting of the condition only for a period of 60 days. In view of the same, the request is required to be granted. Hence, the following order :-

The trial Court is directed to hand-over the passport of the applicant to him only upon his depositing a sum of Rs.1,00,000/- [Rupees one lac only] with it. The said amount will be deposited by the Court in some nationalized bank for a period of two months from the date of deposit. The applicant shall return to this country before the expiry of 60 days from the date of his leaving the country. Upon return, he shall deposit the passport with the concerned Court and the Court upon deposit of passport, withdraw the amount and refund it together with amount of interest paid by the bank, to the applicant.

In view of the aforesaid, this Revision Application is allowed. Rule is made absolute accordingly. Direct service is permitted.

[AKSHAY H. MEHTA, J.]

* Pansala.